

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7207**

**BILL NUMBER:** SB 293

**NOTE PREPARED:** Feb 8, 2005

**BILL AMENDED:** Feb 3, 2005

**SUBJECT:** Health-Related Information Disclosure.

**FIRST AUTHOR:** Sen. Miller

**FIRST SPONSOR:** Rep. Frizzell

**BILL STATUS:** As Passed Senate

**FUNDS AFFECTED:**     **GENERAL**  
                          **X DEDICATED**  
                          **FEDERAL**

**IMPACT:** State

**Summary of Legislation:** (Amended) This bill provides for disclosure of certain information concerning a missing person. The bill also requires the State Department of Health to request a determination that the provision is not preempted by the federal Health Insurance Portability and Accountability Act.

**Effective Date:** July 1, 2005.

**Explanation of State Expenditures:** This bill would require the Indiana State Department of Health (ISDH) to request a determination from the Secretary of the U.S. Department of Health and Human Services that the provision related to the disclosure of protected health information regarding a missing person is allowable under the federal Health Insurance Portability and Accountability Act (HIPAA). Once a determination is received, the ISDH is required to publish the results on the ISDH web page and forward the results of the determination to each law enforcement agency in the state and to other specified entities. The ISDH should be able to absorb the cost of requesting the determination and the web publication within the current level of resources available.

The ISDH is also required to forward the determination by the Secretary to the licensing authority for each covered entity and each law enforcement agency in Indiana. The Department should have resources available to send the determination to the licensing authorities affected by the determination. However, the cost to send the determination to law enforcement agencies is unknown, as it is not clear how many of and which agencies and offices the Department would be required to notify. A comprehensive list of law enforcement agencies would need to be compiled by the ISDH and notification made. Total costs of notification would depend in large part on administrative action, but could likely be covered within the current level of resources available to the Department.

*Appropriation Background:* The ISDH administrative appropriations were made from the dedicated Tobacco Master Settlement Agreement Fund for FY 2004 and FY 2005. Revenues from fees and penalties collected by the Department, are deposited in the General Fund, with augmentation allowed in amounts not to exceed the additional revenue from fees or penalties received after July 1, 2003. The funding source of the FY 2006 and FY 2007 ISDH administrative appropriations will be determined by the General Assembly.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Indiana State Department of Health; State law enforcement agencies.

**Local Agencies Affected:** Local law enforcement agencies.

**Information Sources:** Micah Cox, Chief Counsel, Indiana Criminal Justice Institute, 317- 232-7609; Jason Thompson, Legislative Director, Office of the Attorney General, 317-233-2413. 45 CFR 160.103.

**Fiscal Analyst:** Kathy Norris, 317-234-1360.